

REMARKS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention. For the reasons set forth below, reconsideration of the present application is requested.

Prior to addressing the Office action, applicant would also like to thank the Examiner for taking the time to discuss the present application during a telephonic interview. During the interview, claims 1 – 19, as well as both rejections made in the pending Office action, were discussed. The telephone interview was helpful in the preparation of the instant response, and is referenced below where relevant.

In the Office action, **claim 1** was rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. In response, claim 1 has been amended so as to remove the grounds for rejection under 35 U.S.C. 112, first paragraph. This claim amendment is believed to place claim 1 into a condition for allowance, and is presented only in response to a formal issue raised under 35 U.S.C. 112, first paragraph. As such, applicant requests that the amendment, though presented after a final rejection, be entered and considered. It is also noted that the herein-tendered claim amendment was discussed with the Examiner during the above-noted telephonic interview, during which the Examiner indicated that the amendment would overcome the rejection under this section. Accordingly, withdrawal of the rejection of claim 1 under 35 U.S.C. 112, first paragraph, is requested.

Claims 1 – 19 were rejected under 35 U.S.C. 102(b) as being anticipated by Takenaka et al. (WO 2003/090981). The rejection under this section is traversed for the following reasons.

As noted in previously filed “Amendment ‘E’” (filed September 8, 2010), the present application has a perfected priority date of June 27, 2003, and the cited Takenaka publication has a publication date of November 6, 2003. Based on the priority date of the present application and the publication date of Takenaka, applicant asserts that the Takenaka publication is not available as prior art with

regard to the present application, and that the rejection of claims 1 – 19 based thereon therefore lacks merit. In the pending Office action, applicant's assertion was found unpersuasive based on an incorrect publication date for Takenaka.

Particularly, the Office action indicates that Takenaka has a publication date of "11 June 2003". *Office action, page 3, lines 11 – 14.* The publication date indicated in the Office action is incorrect; presumably because of a misinterpretation caused by differing international dating conventions. In this regard, the first page of the Takenaka publication lists "6.11.2003" as the publication date, which corresponds to November 6, 2003; not June 11, 2003. *See also, Form PTO-892, provided with the previous Office action, mail date June 9, 2010.* Accordingly, the publication date of Takenaka is, in fact, November 6, 2003.

Thus, as previously asserted, the Takenaka publication is not available as prior art against the present application, and the anticipation rejection of claims 1 – 19 based thereon lacks merit. Accordingly, withdrawal of the anticipation rejection of claims 1 – 19 is requested. It is noted that, during the above-mentioned telephonic interview, the Examiner agreed with applicant's position as set forth herein and in the above-mentioned previously filed "Amendment 'E'".

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 18-0160, our Order No. SAT-16280.

Respectfully submitted,

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